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19
20 UNITED STATES DISTRICT COURT

21 DISTRICT OF NEVADA

22 GLOBAL STERILIZATION AND
23 FUMIGATION, INC., *et al.*,

24 Plaintiffs,

25 v.

26 ADMIRAL INSURANCE COMPANY,

27 Defendant.

28 Case No.: 3:20-cv-00444-LRH-WGC

**STIPULATION FOR CLAWBACK
ORDER PURSUANT TO FRE 502;
CLAWBACK ORDER**

29 Plaintiffs Global Sterilization and Fumigation, Inc. and Bryan Gardner and defendant
30 Admiral Insurance Company stipulate and request pursuant to Federal Rule of Evidence 502
31 that the Court enter the proposed order appearing below. This request is made to protect against
32 inadvertent waiver of applicable privileges as authorized by Rule 502, and in particular,
33 subsection (d) of that rule.

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1 DATED: December 14, 2020

2 BULLIVANT HOUSER BAILEY PC

3

4 By /s/ Andrew B. Downs

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8 Attorneys for Defendant Admiral Insurance
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10 DATED: December 14, 2020

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13 By /s/ Benjamin J. Carman* (ABD e-mail auth.)

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18 Attorneys for Plaintiffs Global Sterilization &
19 Fumigation, Inc. and Bryan Gardner

20 **CLAWBACK ORDER PURSUANT TO F.R.E. 502**

21 Federal Rule of Evidence 502(d) authorizes the Court to enter an order providing that
22 any applicable privilege or protection is not waived by inadvertent disclosure connected with the
23 litigation pending before the court. The parties having stipulated, and good cause appearing,

24 IT IS HEREBY ORDERED, pursuant to Federal Rule of Evidence 502, that

25 1. The inadvertent disclosure, in oral or written form, of any information which
26 would otherwise be protected by Federal Rule of Evidence 501, Federal Rule of Evidence 502,

1 or Chapter 49 of the Nevada Revised Statutes, including but not limited to NRS 49.095, shall
2 not operate as a waiver of the applicable privilege or the work-product protection.

3 2. Pursuant to Federal Rule of Evidence 502(d), any disclosure protected by this
4 Order also is not a waiver of the applicable privileges or work-product protection in any other
5 Federal or State proceeding.

6 3. Should counsel for any party receive a document which he or she reasonably
7 believes contains material protected by a privilege under Federal Rule of Evidence 501, Federal
8 Rule of Evidence 502, or Chapter 49 of the Nevada Revised Statutes, including but not limited
9 to NRS 49.095, counsel shall immediately notify counsel for the holder of the privilege and
10 shall return all copies of the document upon request, without waiving the receiving party's right
11 to seek an order from the Court that the document(s) in question are discoverable.
12 Notwithstanding the foregoing, if the receiving party believes it has reasonable grounds to seek
13 an order that the document(s) in question are discoverable, it may retain one copy solely for
14 purposes, and for the duration, of the effort to seek such an order.

15 4. Should counsel for any party discover that it has produced a document(s)
16 protected by privilege that she or he reasonably believes has been inadvertently produced, he or
17 she shall immediately notify counsel for all other parties and request return of the document(s).

18 IT IS SO ORDERED.

19 DATED: December 15, 2020

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21 *William G. Cobb*
22 _____
23 United States Magistrate Judge

24 4838-3577-4932.1

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